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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,063	10/29/1999	REINOUT G. OUSSOREN	BHAG.68900	6722

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EXAMINER

PHAM, MINH CHAU THI

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 06/18/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-14

Office Action Summary

Application No. 09/430,063	Applicant(s) OUSSOREN ET AL	
Examiner P HAM	Group Art Unit 1724	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Audit & Declaration

04/30/02

- ☒ Responsive to communication(s) filed on _____
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-16 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-11 is/are rejected.
- ☒ Claim(s) 12-16 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-11 are again rejected under 35 U.S.C. 102(e) as being anticipated by Brunner (5,964,909; Abstract; A, B, C, 1, 2, 4, 5, 6, 7, 8, 9, 10 & 11 in Fig. 1; Figs. 2-5; col. 2, line 61 through col. 3, line 55; col. 4, lines 12-25).

Brunner teaches a filter cartridge to be removably and sealingly received within a circular opening through a tube sheet comprising a filter sleeve formed as a tubular member, a tubular screen positioned interiorly of the filter sleeve for structural support, a bottom end cap sealingly secured to the lower end of the filter sleeve, a tubular fitting including a flange extending above the tube sheet having a tube sheet mouth insert, a contoured transition, a lower cylindrical collar extending beneath the tube sheet all integrally formed of flexible, resiliently deformable material, and a tubular expander with an insert able band including an outer diameter substantially equal to

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or less than the inner diameter of the flange of the fitting, and the band configured to engage interiorly the frusto-conical portion of the contoured transition of the fitting proximate the circular opening through the tube sheet to outwardly bias portions of the resiliently deformable fitting to affect sealing engagement with the cylindrical mouth surface of the tube sheet.

Allowable Subject Matter

3. Claims 12-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: None of the prior arts discloses an upper flange having an outermost circumferential edge with voids therein to provide a tool access between the flange ring of the expander and the surface of the tube sheet to facilitate removal of the expander from engagement with the upper fitting, as claimed in claims 12 and 13. Also, none of the prior arts discloses a circumferential groove in the cylindrical disk which extends inwardly from the outside diameter of the disk to diameter at the bottom of the groove (as claimed in claim 14), vertical grooves which extend upwardly from the lower surface to the lowermost end of the filter sleeve to vertically position the filter sleeve with respect to the bottom end cap (as claimed in claim 15), and radial grooves which extend upwardly from the lower surface to the lowermost end of the tubular screen to vertically position the tubular screen with respect to the bottom end cap (as claimed in claim 16).

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Response to Arguments

5. Applicant's declaration under 37 CFR 1.131 and 1.132 filed on April 30, 2002 have been fully considered but they are not persuasive.
6. The declaration under 37 CFR 1.132 filed on April 30, 2002 is insufficient to overcome the rejection of claims 1-11 based upon the Brunner reference as set forth in the last Office action because applicant's statement is a mere disagreement with the position of the examiner. No reasons for this disagreement are given, ^{now in} ~~even as~~ a technical explanation set forth to distinguish the claimed invention from that of the cited reference. The declaration is, therefore, regarded as merely an opinion and of no probative value in overcoming the rejection of record.
7. The declaration filed on April 30, 2002 under 37 CFR 1.131 has been considered but is ineffective to overcome the Brunner reference.

Applicant submits "the sketch (exhibit A) illustrates a tubular metal insert, commonly known in the air pollution control industry as a venturi, installed in the mouth of the filter cartridge to effect a friction fit seal between the tube sheet opening and the resiliently deformable, molded top of the filter cartridge" and exhibits B, C & D "showing dimensional details of venturis for installation in the mouth of a filter cartridge of a particular size to effect a friction fit seal between the tube sheet opening and the resiliently deformable, molded top of the filter cartridge" and "each of the drawings was prepared under my supervision on or about the dates indicated in 1996". The Examiner thoroughly examines the sketch (exhibit A) as well as all the submitted exhibits B, C & D, but find none of these exhibits discloses the claimed feature "a tubular fitting

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including a flange extending above the tube sheet having a tube sheet mouth insert, a contoured transition, a lower cylindrical collar extending beneath the tube sheet all integrally formed of flexible, resiliently deformable material, and a tubular expander with an insert able band including an outer diameter substantially equal to or less than the inner diameter of the flange of the fitting, and the band configured to engage interiorly the frusto-conical portion of the contoured transition of the fitting proximate the circular opening through the tube sheet to outwardly bias portions of the resiliently deformable fitting to affect sealing engagement with the cylindrical mouth surface of the tube sheet". Therefore, the sketch (exhibit A) as well as the exhibits B, C & D are insufficient and ineffective to overcome the Brunner reference, as they do not offer corroborative support for the allegations of the affidavit submitted under 37 CFR 1.131.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

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1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau Pham whose telephone number is (703) 308-1605.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Applicant's response may be mailed or faxed. However, note that some correspondence may not be faxed, i.e. certain correspondence requiring an original signature and certain drawing changes (see MPEP 502.01). The fax number for Technology Center 1700 for After Final communications is (703) 872-9311. If the response is faxed, a duplicate mailed copy of the facsimile transmission is not required and will only serve to delay processing of your application.



MCP



David A. Simmons
Supervisory Patent Examiner
Technology Center 1700

June 17, 2002